

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CHARLES YOUNG, #284656

§

VS.

§

CIVIL ACTION NO. 6:07cv241

DIRECTOR, TDCJ-CID

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case.

Petitioner filed objections to the Report. Petitioner reasserts his contentions and attaches Grievance Forms which he says that he submitted to TDCJ-CID; however, the forms do not indicate that they ever were submitted. Respondent submitted the administrative records relevant to this case and included a Business Records Affidavit stating that the submitted grievance records are the grievance records pertaining to disciplinary case 20070208223. That is the disciplinary case Petitioner is challenging.

Mere conclusory allegations do not raise a constitutional issue in a habeas proceeding. *Murphy v. Dretke*, 416 F.3d 427, 437 (5th Cir. 2005), *cert. denied* 546 U.S. 1098 (2006). General statements and conclusory charges of ineffectiveness will not suffice. *Green v. McGougan*, 744 F.2d 1189, 1190 (5th Cir. 1984). Absent record evidence, a court cannot consider a habeas petitioner's bald assertions on a critical issue in his *pro se* petition, unsupported and unsubstantiated by anything else contained in the record, to be of probative evidentiary value. *Joseph v. Butler*, 838 F.2d 786, 788 (5th Cir. 1988). The forms attached to Petitioner's objections constitute merely his own allegations, do not raise a constitutional issue in this habeas proceeding, and are of no probative evidentiary value.

This Court has made a *de novo* review of Petitioner's objections and determined that they lack merit. This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED WITH PREJUDICE**;

ORDERS that Petitioner is **DENIED** a certificate of appealability; and

ORDERS that all motions not previously ruled on are denied.

So **ORDERED** and **SIGNED** this 28th day of December, 2007.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE